

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 NATALIE BRUNNER,

11 Plaintiff,

12 v.

13 CITY OF LAKE STEVENS, ANDREW
14 THOR, DAN LORENTZEN, and DOES
15 1-500,

16 Defendants.

17 CASE NO. C15-1763-JCC

18 MINUTE ORDER

19 The following Minute Order is made by direction of the Court, the Honorable John C.
20 Coughenour, United States District Judge:

21 This matter comes before the Court on Plaintiff Natalie Brunner's motion to reopen
22 discovery (Dkt. No. 63). Brunner offers three reasons why the Court should grant her motion.

23 First, Brunner lists a number of personal and professional conflicts that kept her counsel
24 from timely participating in discovery. (*See id.* at 1-2.) While the Court is sympathetic to
25 counsel's woes, it also agrees with Defendants that "it is always *something* with Mr. Hildes."
26 (*See* Dkt. No. 69 at 2; *see also* Dkt. Nos. 18, 33, 60, 66.) And, as the Honorable Marsha
Pechman, United States District Judge remarked, "failure to comply with Court deadlines [has
been] a pattern for Mr. Hildes." *Moba v. Total Transp. Servs., Inc.*, 2014 WL 3050461 at *1
(W.D. Wash. July 3, 2014). Juggling personal and professional commitments is a challenge
every lawyer must face. Such commitments do not excuse the tardiness seen here.

1 Second, Brunner points to the “disagreement” over Defendant Andrew Thor’s
2 deposition, which “required the cancellation of Thor’s scheduled deposition.” (Dkt. No. 63 at 2.)
3 But this delay was in part caused by Brunner’s insistence on attending that deposition, despite
4 the protective order she obtained against Thor that “explicitly prohibit[ed] Thor’s participation in
5 the deposition if Brunner [wa]s present.” (Dkt. No. 55 at 2.) More importantly, the Court
6 resolved that disagreement a month before the discovery deadline. Brunner offers no reason why
7 she did not seek an extension at that time.

Finally, Brunner complains of a conflict with opposing counsel over scheduling Lieutenant Lambier’s deposition—the communication over which occurred more than a month before the discovery deadline—and opposing counsel’s refusal to extend the discovery deadline past January 9. (Dkt. No. 63 at 3.) It is clear from the record that the attorneys in this case have not always worked well together. (*See, e.g.*, Dkt. Nos. 15, 31, 33, 46.) But again, these complaints do not explain Brunner’s persistent inability to meet deadlines or at least file a timely request for extension.

15 Brunner has not shown good cause to modify the case schedule and reopen discovery.
16 See Fed. R. Civ. P. 16(b)(4). Her motion (Dkt. No. 63) is DENIED. The pending summary
17 judgment motions shall be resolved on the record currently before this Court. An order on those
18 motions shall be forthcoming.

DATED this 8th day of February 2017.

William M. McCool
Clerk of Court

s/Paula McNabb
Deputy Clerk